

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**RICKY T. MADRID and
RALPH RIOS,**

Plaintiffs,

v.

No. 12-cv-0073 GBW/SMV

**BOARD OF COUNTY COMMISSIONERS
OF DOÑA ANA COUNTY and
TODD GARRISON,**

Defendants.

AMENDED ORDER SETTING SETTLEMENT CONFERENCE

THIS MATTER is before the Court sua sponte. This case was reassigned to me on August 8, 2012. The previous Order Setting Settlement Conference [Doc. 26], issued by the Honorable William P. Lynch, United States Magistrate Judge, is amended to reflect the following changes:

The settlement conference will be held **at 9:00 a.m.** in the **Doña Ana Courtroom**, third floor, United States Courthouse, 100 North Church Street, Las Cruces, New Mexico.

The parties or a designated representative, other than counsel of record, with full authority to resolve the case, must attend in person. Counsel who will try the case must also attend in person. Those attending the settlement conference must treat as confidential the information discussed, positions taken, and offers made by other participants in preparation for and during the conference.¹

See generally Hand v. Walnut Valley Sailing Club, No. 11-3228, 2012 WL 1111137 (10th Cir. Apr.

¹ This does not prohibit disclosures stipulated to by the parties, necessary in proceedings to determine the existence of a binding settlement agreement, or as otherwise required by law.

2, 2012) (unpublished) (affirming dismissal of case as sanction for violating confidentiality of settlement conference).

No later than **August 8, 2012**, Plaintiffs shall serve on Defendants a letter setting forth at least the following information: (a) a brief summary of the evidence and legal principles that Plaintiffs assert will allow them to establish liability; (b) a brief explanation of why damages or other relief would be warranted; (c) an itemization of the principles supporting those damages; and (d) a settlement demand. No later than **August 12, 2012**, Defendants shall serve on Plaintiffs a letter that sets forth at least the following information: (a) any points in Plaintiffs' letter with which the defense agrees; (b) any points in Plaintiffs' letter with which the defense disagrees, with references to supporting evidence and legal principles; and (c) a counteroffer.² If a release is contemplated, defense counsel shall include a proposed form of release with the letter. Each of these letters typically should be five pages or fewer, and counsel must ensure that each party reads the opposing party's letter before the Settlement Conference. If the case does not settle, Plaintiffs shall provide copies of these letters to the Court no later than **5:00 p.m. on August 15, 2012**.

No later than **5:00 p.m. on August 15, 2012**, each party must provide the Court, in confidence, a concise position statement (typically no more than ten pages) containing an analysis of the strengths and weaknesses of its case. Position statements must be submitted to the Court by **e-mail** at **VidmarChambers@nmcourt.fed.us**, not by facsimile as previously ordered.³

² If the parties have engaged in settlement negotiations, Plaintiffs' demand should be lower than Plaintiffs' most recent demand, and Defendants' counteroffer should be higher than Defendants' most recent counteroffer.

³ Each e-mail message and its attachments cannot exceed 5 MB. Data exceeding 5 MB should be submitted in individual e-mail messages, each less than 5 MB.

Furthermore, if any party has in its possession any video or audio recording of the incident upon which this action is based, that party must submit a copy of the recording to the Court no later than **5:00 p.m. on August 15, 2012.**

The Settlement Conference will not be vacated or rescheduled except upon motion and for good cause shown. Any motion to vacate or reschedule the Settlement Conference shall provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the Settlement Conference.

IT IS THEREFORE ORDERED as follows:

Plaintiffs' letter and settlement demand due to Defendants:

August 8, 2012

Defendants' letter and counteroffer due to Plaintiffs:

August 12, 2012

Plaintiffs provide copies of settlement letters to the Court by:

August 15, 2012, by 5:00 p.m.

Parties' confidential position statements due to the Court:

August 15, 2012, by 5:00 p.m.

Settlement Conference:

**August 22, 2012, at 9:00 a.m.
in the Doña Ana Courtroom**

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge